

*POSTED
10-26-77*

ACTION

DATE

COMMITTEE

M.A.P.C. *Approved and its conditions 12-8-77*

B.C.C./B-60-C. *Approved 1-3-78*

DF-84 - ROCK ROAD COMMERCIAL CORP.
generally located at the south-
west corner of Funston and Rock
Road

Map No. 5945
Sec. 31
Twp. 27
Range 2E

DATA SHEET
COMMUNITY UNIT PLAN

DP 84
E-
Filed 10-19-77

APPLICATION REQUEST: Approval of proposed planned (Associated Z-1989)
dev. program. Commercial CUP

1. Applicant Levitt Jewelry Co., Inc. etal
Address 7930 E. Harry, 67207 Phone 686-6693
2. Agent Oblinger-Smith Corporation
Address 625 First Natl Bank Bldg 67202 Phone 262-0451
3. General Location Southwest corner of Funston and Rock Road.
Address _____
4. Proposed Use _____

AREA DATA

1. Acres 6.2 (_____ ft. by _____ ft.)
2. Existing Zoning "C" Proposed Zoning _____
3. Area (is) (is not) platted. _____ Addition _____
4. Existing R/W _____ ft. _____ ft. _____ ft.
St. _____ St. _____ St. _____
Proposed R/W _____ ft. _____ ft. _____ ft.
St. _____ St. _____ St. _____

HISTORY

PROCEDURE DATA

1. MAPC Meeting:

Date	Action
12-23-77 <u>12-8-77</u>	<u>Approved out to condition</u>
_____	_____
_____	_____

2. Governing Body

Date	Action
<u>1-3-78</u>	<u>Approved</u>
_____	_____
_____	_____

11-23-77

Map No. 5945
Sec. 31
Twp. 27
Range 2E

DATA SHEET

DP- 84
Filed 10-19-77

APPLICATION DATA:

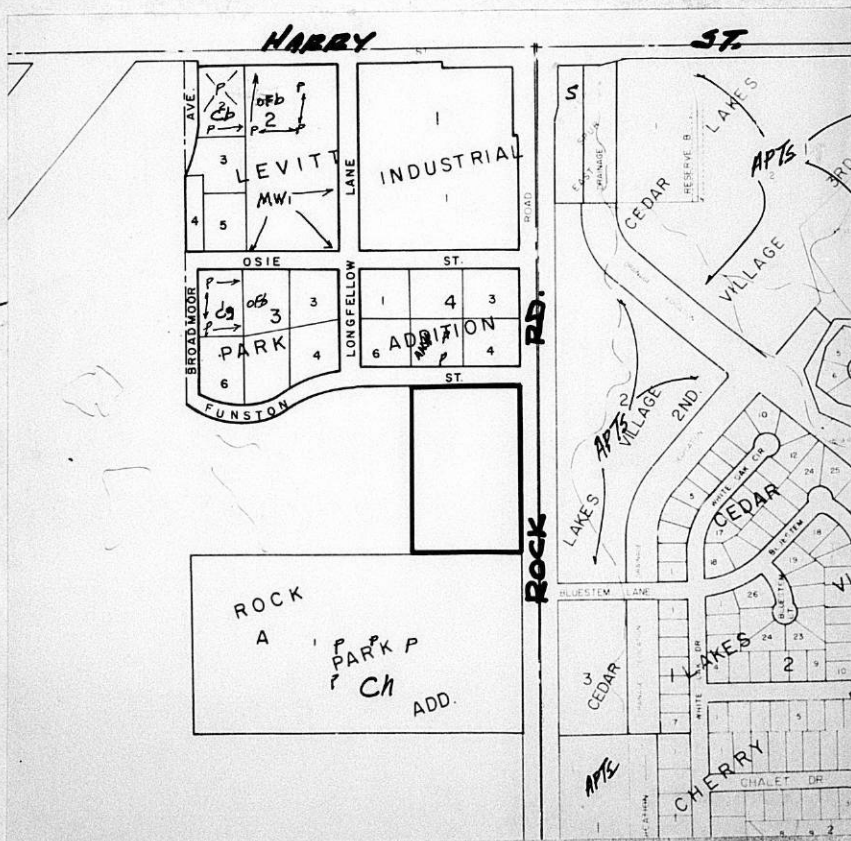
- Applicant: Levitt Jewelry Co. Inc. etal
Address 7930 E. Harry 67207 Phone 686-6693
- Agent: Oblinger-Smith Corporation
Address 625 First Natl. Bank Bldg. 67202 Phone 262-0451
- General Location: West side of Rock Road, in an area south of Funston.
Address _____
- Proposed Use: _____

AREA DATA:

- Acres: 6.2 (420 ft. by 642 ft.)
- Existing Zoning: E. "AA" S. "AA" W. "C" N. "E"
- Land Use: East APARTMENTS South CHURCH
West UNDEVELOPED North ANIMAL HOSPITAL
- Sketch Plan Land Use is for: _____
- Present Land Use is for: UNDEVELOPED
- Area (is) (is not) platted.

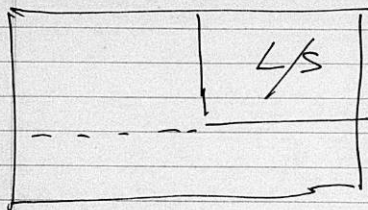
PHOTO DATA:

Taken by _____ Date _____ Time _____



1-15-86

Lot 1 may have to be replatted



- 10' Jadaquin - Plan has to be submitted
- Wall on South - Can't be constructed in 20' utility easement
- No plotted address to date
- Adm adjustment of south 35' setback to 30' could be done.
- Adjusted to 75' to 70' could be done - 10' setback + 60' for 2 rows of 90' only
- Restaurants not permitted in GP #8
- Access control - one per parcel

Indebis agrees that Staff cannot administratively adjust to permit restaurants. Requires CUP amendment. Information provided to Howell High on 1-23-86. Also provided in plat report.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 26, 1986

TO: Monty Robson, Superintendent of Central Inspection

FROM: Louise Olivarez, Senior Planner, Current Plans

SUBJECT: DP-84 - Landscape Plan

Attached for your files are two copies of the approved landscape and irrigation plans for the ten-foot planting strip along Rock Road adjacent to Parcels 3, 2 and the south portion of Parcel 1 in the Rock Road Commercial C.U.P. located south of Funston on the west side of Rock Road. The Plans were prepared by Site Planning Associates and are dated February 24, 1986. The plans were submitted and approved in accordance with General Provision #5 of DP-84.

This planting strip is located within an Continental Pipe Line Company easement but approval has been given by that company for the plants and irrigation lines to be located within this ten-foot strip. The 8" crude oil pipeline is apparently 16 feet to the east of this planting strip. However, by copy of this memo, we are advising the landscape architect to caution his landscape contractors, especially the irrigation installers, about the location of this pipeline. The irrigation tie-in to the 12" water main in Rock Road appears to cross the pipeline.

If you have any questions about these plans, please call.

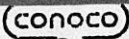
Sincerely,

Louise Olivarez
Senior Planner

LO:blw
Attachments

cc: Stewart Mann, Site Planning Associates, 520 S. Holland, Suite 410,
Wichita, KS. 67209
Don Miller, Director of Access and Regulations, Continental Pipe Line Co.,
P.O. Drawer 1267, Ponca City, OK. 74603

*John
Kist*



2-8-79

Larry F. Clynch, P.E.
District Manager
Oklahoma-Kansas District

Continental Pipe Line Company
P.O. Drawer 1267
Ponca City, Oklahoma 74601
(405) 762-3456

RECEIVED

FEB 8 1979

OBLINGER - SMITH

February 5, 1979

Land Enterprises Company
3900 East Harry, Suite 135
P. O. Box 18358
Wichita, Kansas 67218

Attention C. David Burrus

Gentlemen:

By your request of January 12, 1979, this letter shall serve as our acceptance for you to plant a 10-foot landscape area along the west side of your east boundary to the Rock Road Addition in the E/2 of the NE/4 of Section 31, T27S, R2E, Sedgwick County, Kansas. We have determined that our 8" crude oil pipeline parallels this east boundary some 16 feet to the east and that your landscape area will not interfere with the operation of our line.

We would also like to point out that the construction of any access roads into Lots 8, 9, and 10 will also require our permission at the time of their construction so that we may insure the proper depth of our line below these roads. Please notify Jim Higginbotham at (405) 762-3456, extension 2207, when you have made your plans for these access roads.

Should you require any further information, please do not hesitate to call.

Yours very truly,

Larry F. Clynch
Larry F. Clynch
District Manager

MAG-br

cc: Jim Higginbotham

FROM S/D 78-122 ROCK ROAD ADDITION FILE

ON 2-26-86 I talked with Don Miller of Continental re irrigation lines in their easement as well as plants. He said if they had already oked plants they certainly shouldn't have a problem with irrigation lines. He requested a copy of this letter and the landscape and irrigation plans.

April 20, 1982

Robert B. Feldner, Superintendent of Central Inspection
Jack H. Galbraith, Chief Planner

Landscape Plan for the north portion of Parcel 1, DP-84 -
Rock Road Commercial C.U.P. Located at the southwest
corner of Rock Road and Funston.

Attached are two copies of the approved landscape plan for
the area referenced above. This plan is associated with a
proposed insurance claims office. We would note that a
portion of the sprinkler system is located in street right-
of-way and will require approval of a minor street privilege
from the Department of Engineering. If you have any ques-
tions, please call.

Jack H. Galbraith
Chief Planner

JHG:ADC:el

Attachments

cc: Cooper, Carlson, Dwy, Ritchie, Inc.
418 Commerce Bank Bldg., Kansas City, Mo. 64106

WICHITA-SEDGWICK COUNTY

DATE
May 16, 1979

METROPOLITAN AREA PLANNING DEPARTMENT

✓ DP-84

TO Donald C. Gisick, City Clerk

FROM Jack H. Galbraith, Chief Planner

SUBJECT Z-1989 - Zone change from "AA" to "C";
Z-1990 - Zone change from "AA" to "E"; and
S/D 78-122 - Rock Road Addition

At the regular meeting of the Board of City Commissioners on January 3, 1978, the above captioned requests for zone change were considered and approved, and the City Clerk was instructed to withhold publication of the ordinances effectuating the zone changes until such time as the plat had been recorded. The associated plat was approved by the Board of City Commissioners on April 17, 1979.

This is to advise you that the final plat of Rock Road Addition was recorded with the Register of Deeds on May 10, 1979 and, therefore, the ordinances effectuating the zone changes may now be published.

Jack H. Galbraith
Chief Planner

JHG:el

April 6, 1978

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-84 - ROCK ROAD COMMERCIAL CUP - At the southwest corner of Funston and Rock Road

The Board of City Commissioners on January 3, 1978, considered the above captioned CUP. Their action was to approve the CUP subject to the following conditions:

- a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- b. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- c. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- d. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

Please note that prior to the issuance of any building permits, and in accordance with condition "a" above, the property must be platted.

Attached for your information and files are two approved copies of the CUP.

If you have any questions concerning this matter, please contact our office.

Jack H. Galbraith
Chief Planner

JHG:CLS:jm
Attachments

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING
AND COMMUNITY UNIT PLAN

CASE NO. Z-1989 & DP-84

CONSIDERED BY MAPC: 12-8-77

REQUEST FOR: "AA" to "C" and approval of Commercial Community Unit Plan.

REASON FOR REQUEST (AS PROVIDED BY APPLICANT): "To develop subject property with commercial uses."

GENERAL LOCATION: Southwest corner of Funston and Rock Road.

LEGAL DESCRIPTION: The east 485 feet of that part of the east one half of the northeast Quarter of Section 31, Township 27 South, Range 2 East, lying south of Levitt Industrial Park, and north of Rock Park Addition, Wichita, Sedgwick County, Kansas except the east 65 feet thereof for Rock Road.

APPLICANT: Levitt Jewelry Co., Inc., et al.

COUNSEL FOR APPLICANT: Oblinger-Smith Corporation

PROTESTORS (LIST COUNSEL) IF ANY:

SURROUNDING ZONING: North "E", East "AA", South "AA", West "AA".

LAND USE: To the north an animal hospital; to the east undeveloped; to the south a church and to the west undeveloped.

CPO RECOMMENDATION: CPO Council "H" recommends approval subject to the conditions stated in the MAPD staff report.

PLANNING COMMISSION RECOMMENDATION:

(See excerpt from Planning Commission Minutes of 12/8/77)

Bayouth moved, Cole seconded and it carried unanimously.
Hartstein was absent.

ACTION: 1. Approve the zone change and CUP as recommended by the Metropolitan Area Planning Commission, subject to the recommended conditions and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or

2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action.

EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 8, 1977:

- 14(a) Case No. Z-1989 - Levitt Jewelry Co., Inc., et al, requests zone change from "AA" to "C" for the east 485 feet of that part of the east one half of the northeast quarter of Section 31, Township 27 South, Range 2 East, lying south of Levitt Industrial Park, and north of Rock Park Addition, Wichita, Sedgwick County, Kansas, except the east 65 feet thereof for Rock Road. Generally located at the southwest corner of Funston and Rock Road.
- 14(b) Case No. DP-84 - Levitt Jewelry Co., Inc. et al, requests a Development Plan for the east 485 feet of that part of the east one half of the Northeast Quarter of Section 21, Township 27 South, Range 2 East, lying south of Levitt Industrial Park, and north of Rock Park Addition, Wichita, Sedgwick County, Kansas, except the east 65 feet thereof for Rock Road. Generally located at the southwest corner of Funston and Rock Road.

GALBRAITH stated that item 15 was a request by the same applicant as was items 14a. and 14b. He said that everyone had felt in the past that residential usage was not appropriate on this site because of McConnell Air Force Base. He showed slides of the area and surrounding area and reviewed the staff reports:

Staff Report of Z-1989 and DP-84:

Comments:

1. The applicant has submitted a zone change request from the "AA" Single Family District to the "C" Commercial District on 6.2 acres of land and, in accordance with Section 28.04.190 (C.U.P. Regulations) of the Code of the City of Wichita, has submitted a preliminary development plan for review.
2. The development plan indicates the required information pertaining to gross area, maximum building heights, maximum building coverage, proposed general uses, maximum curb cuts, sign controls, minimum building setbacks, and screening controls. The plan proposes a three parcel development of recreational oriented commercial uses such as miniature golf, bowling alley, skateboard track, or service oriented retail; however, provision has also been made for lawn and garden center and mini-storage warehouses. A maximum gross floor area of 121,348 square feet is proposed for total site, but no limitation on number of buildings is proposed. It should be noted that the required screening wall which would normally be required on the west edge of the C.U.P. has been omitted because that area has been included in a request for "E" Light Industrial zoning which appears on this agenda (Z-1990).
3. In preliminary discussions with the applicant's representatives, the staff noted that there is an existing zoning policy on Rock Road which states:

"On the basis of the existing potential for extremely high traffic loads illustrated above, it is recommended that the land use pattern represented on Map C not be exceeded in terms of higher densities, nor higher levels of uses. This will require holding-the-line on additional large scale commercial, office and high density residential zoning. It also means encouraging very low density development on the remaining large unplatted residentially zoned properties. Densities not exceeding 5 dwelling units per acre appear to be appropriate."

It should be noted that when "E" zoning was suggested and approved to the north, it was determined that that zoning classification was proper because it would encourage warehousing

and industrial uses that might have the least number of people concentrated in this flight cone. Residential uses on this site have been discouraged.

Although the original discussions centered on the "E" District, the staff believed this offered an open-ended proposal which was in conflict with the Rock Road Policy, and it was suggested that the applicant prepare a commercial C.U.P. and limit the proposed uses, provide landscaping and appropriate setbacks, and provide controls which would be in keeping with the spirit and intent of the Rock Road Policy.

The proposed development plan proposes one access point to Rock Road for each lot and requires the guarantee of an acceleration lane on Rock Road. Although the plan limits the types of uses, the list will permit fast food and other strip type commercial uses that will permit relatively high concentrations of people and thus increased traffic movements.

4. Should the Planning Commission determine that the request for "C" Commercial is proper and the C.U.P. is satisfactory, then the following conditions will be consistent with other approved C.U.P.'s:
 - a. Platting within one year of the date of approval by the Board of City Commissioners or the application be denied; and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
 - b. General provision number five should be extended to include the following statement:

"A financial guarantee for the plant materials approved for the landscape plan shall be required prior to the issuance of any occupancy permit if the required landscaping has not been planted."

The words "trees and shrubbery" shall replace "low shrubbery" in general provision number five.
 - c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 - d. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - e. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
 - f. Should the zone change request Z-1902 not be approved and the property to the west remain as residential, then the required solid wall along the west property line shall be provided.

GALBRAITH commented that the staff preferred to see industrial type uses in this area with no access points to Rock Road. He pointed out that when the developers approached the staff stating that they were desirous of openings to Rock Road, it was suggested by staff that the developer submit a C.U.P. which would set out general terms of development. He stated that if the Commission agreed to giving the applicant the three access points to Rock Road as requested, the staff agreed with the approval of the C.U.P.

BARRIER asked what kind of a financial guarantee does the staff suggest for guaranteeing landscaping.

GALBRAITH remarked either an irrevocable letter of credit, performance bond, or a cashier's check would be acceptable.

BARRIER commented that after what happened at 21st and Oliver, she felt they were ill-advised to approve a plan at all unless it was very specific. She said she was not willing to vote in favor of any landscape plan as unspecific as this one. She stated that she personally would not be a party to just a general plan anymore. She felt a landscape plan should be submitted with the C.U.P.

JOHN GIST, Oblinger & Smith, representing the applicant, stated that the present owner, as indicated, was involved with the zoning and platting of the industrial property to the north, and prior to that time, the present owner had thought of developing the property for residential use. He said the staff discouraged residential at that time because of the flight cone. He pointed out that there was more zoning than the slide suggested of light industrial and commercial zoning. He said that because of this and for the reasons Mr. Galbraith indicated their only desire was to develop the property for what they felt was proper. He said that one could not write a policy that would cover everything for 100% of the time and this is one of them. He said that they did work with the staff and they applied for commercial zoning to allow them to submit a C.U.P. They agreed to greater setbacks, underground utilities and landscaping by going by way of a C.U.P. that is not necessary in straight zoning. He pointed out that they have discussed access control with Bill McKinley, Traffic Engineering, and would provide the necessary right-of-way, and after Mr. McKinley reviewed the plans with them and Paul Graves, Traffic Engineer, they wanted an accel-decel lane if access was going to be granted to each of the three lots. They met with CPO Council Area "H" and the CPO Council recommended that all three cases be approved subject to the conditions outlined in the staff report. He added that CPO did feel the land was not appropriate for residential use. GIST asked for a favorable consideration of the applications.

LAKIN commented that landscaping was of some concern to this Commission and the City Commission. He said that he was preparing a paper on landscaping to submit to the City Commission. He felt that if that issue was going to be addressed then before the building permit is issued, then maybe they should consider someone else going over the landscape plan besides the staff. He said that he preferred to have the landscape requirements on the face of the C.U.P.

LAKIN also commented that the Commission should be aware that what is proposed will result in strip commercial type uses with access directly to Rock Road. He wanted to make sure there was no misunderstanding on what the result will be.

BAYOUTH felt the property was unfit for light commercial and that the noise was quite a problem.

No one was present in opposition.

MOTION: That the Planning Commission recommend to the City Commission that this application be approved for "C" zoning and that the C.U.P. be approved subject to the following conditions:

- a. Platting within one year of the date of approval by the Board of City Commissioners or the application be denied; and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.
- b. General provision number five should be extended to include the following statement:

"A financial guarantee for the plant materials approved for the landscape plan shall be required prior to the issuance of any occupancy permit if the required landscaping has not been planted."

The words "trees and shrubbery" shall replace "low shrubbery" in general provision number five.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- e. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
- f. Should the zone change request Z-1902 not be approved and the property to the west remain as residential, then the required solid wall along the west property line shall be provided.

Bayouth moved, Cole seconded.

BARRIER asked how could the landscape plan be handled in the Subdivision Committee meeting. LAKIN stated that a landscape plan could be submitted with the plat if required by the Subdivision Committee.

BARRIER stated that she has a great deal of respect for Oblinger & Smith Corp., and that they always have a good plan.

QUESTION ON THE MOTION: It carried
unanimously. Hartstein was absent.

December 9, 1977

John Gist
Oblinger-Smith Corporation
625 First National Bank Bldg.
Wichita, Kansas 67202

Re: Z-1989 and DP-84 - "AA" to "C"
Southwest corner of Funston and
Rock Road

Dear Mr. Gist:

At its regular meeting on December 8, 1977, the Metropolitan Area Planning Commission considered the above-captioned zone change request. The action of the Planning Commission was to recommend that this application be approved for "C" zoning and subject to the approval of the associated C.U.P. The action was to recommend the approval of the C.U.P. subject to conditions 4a through f in the Planning Department report. It is necessary that you make the required corrections and submit 10 copies to our office by December 23, 1977, so that these cases can be forwarded to the Board of City Commissioners at their regular meeting of January 3, 1978. This meeting will be held in the City Commission Meeting Room, First Floor, 455 North Main, and we would remind you that Planning items are considered after all other matters of business.

If you have any questions, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:bh

cc: Levitt Jewelry Co., Inc., 7930 E. Harry, 67207
Land Enterprises Company, P.O. Box 18358, 67218
Levitt Dev., Inc., P.O. Box 18185 S.E. Station, 67218

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 12-3-77

Case No. Z-1939 DP-84	Request: "AA" to "C" Approval of Commercial Community Unit Plan
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Location: Southwest corner of Funston and Rock Road.

Reason: "To develop subject property with commercial uses."

Acres: 6.2 Size: 420' x 642'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"AA"
North	Animal hospital	"E"
East	Undeveloped	"AA"
South	Church	(covered by C.U.P.) "AA"
West	Undeveloped	"AA"

Existing R/W 30' Rock Road (half) Proposed R/W 50' Rock Road (half) Existing 35' Funston (half) Proposed R/W 35' Funston (half)	Platted: No History: Subject property was a portion of SCZ-0070 "R-1" & "LC" to "C" MAPC 10-15-59 approve north 30 acres only (excluded subject property) Bd. Co. Commissioners: 10-21-59 approved as recommended
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Comments:

1. The applicant has submitted a zone change request from the "AA" Single Family District to the "C" Commercial District on 6.2 acres of land and, in accordance with Section 28.04.190 (C.U.P. Regulations) of the Code of the City of Wichita, has submitted a preliminary development plan for review.

2. The development plan indicates the required information pertaining to gross area, maximum building heights, maximum building coverage, proposed general uses, maximum curb cuts, sign controls, minimum building setbacks, and screening controls. The plan proposes a three parcel development of recreational oriented commercial uses such as miniature golf, bowling alley, skateboard track, or service oriented retail; however, provision has also been made for lawn and garden center and mini-storage warehouses. A maximum gross floor

area of 121,348 square feet is proposed for total site, but no limitation on number of buildings is proposed. It should be noted that the required screening wall which would normally be required on the west edge of the C.U.P. has been omitted because that area has been included in a request for "E" Light Industrial zoning which appears on this agenda (Z-1990).

3. In preliminary discussions with the applicant's representatives, the staff noted that there is an existing zoning policy on Rock Road which states:

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It should be noted that when "E" zoning was suggested and approved to the north, it was determined that that zoning classification was proper because it would encourage warehousing and industrial uses that might have the least number of people concentrated in this flight cone. Residential uses on this site have been discouraged.

Although the original discussions centered on the "E" District, the staff believed this offered an open-ended proposal which was in conflict with the Rock Road Policy, and it was suggested that the applicant prepare a commercial C.U.P. and limit the proposed uses, provide landscaping and appropriate setbacks, and provide controls which would be in keeping with the spirit and intent of the Rock Road Policy.

The proposed development plan proposes one access point to Rock Road for each lot and requires the guarantee of an accelerated lane on Rock Road. Although the plan limits the types of uses, the list will permit fast food and other strip type commercial uses that will permit relatively high concentrations of people and thus increased traffic movements.

4. Should the Planning Commission determine that the request for "C" Commercial is proper and the C.U.P. is satisfactory, then the following conditions will be consistent with other approved C.U.P.'s:

- a. Platting within one year of the date of approval by the Board of City Commissioners or the application be denied; and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.

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- b. General provision number five should be extended to include the following statement:
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- The words "trees and shrubbery" shall replace "low shrubbery" in general provision number five.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- e. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
- f. Should the zone change request Z-1902⁹⁰ not be approved and the property to the west remain as residential, then the required solid wall along the west property line shall be provided.
-

Z-1989 and
✓DP-84 - 10 (Doublestuffed) "Notice to Adjoining Property Owners"
mailed 11-23-77 for the MAPC meeting on 12-8-77
1 (including map) to CPO Office
—
11 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202

November 23, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, December 8, 1977, at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "ROCK ROAD", for property legally described as follows:

DP-84- The east 485 feet of that part of the east one half of the Northeast Quarter of Section 21, Township 27 South, Range 2 East, lying south of Levitt Industrial Park, and north of Rock Park Addition, Wichita, Sedgwick County, Kansas, except the east 65 feet thereof for Rock Road. Generally located at the southwest corner of Funston and Rock Road.

The Development Plan of this area has been submitted as required under the Community Unit Plan Provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file at the Planning Department Office, 10th Floor, City Hall, 455 North Main Street, Wichita, Kansas, and is available for public inspection and review.

The Development Plan on file proposes a 6.20 acre commercial development with a maximum gross floor area of approximately 121,348 square feet. Included in the Development Plan is information concerning building setbacks, maximum ground coverage by structures, maximum gross floor area, maximum height limitations, number of points of ingress and egress, sign limitations, screening provisions, and proposed general land use on three specific designated parcels.

The hearing of this Development Plan, as provided in Section 28.04.190 of the City Zoning Ordinance of the City of Wichita, is to be held and the same will there be discussed and considered by said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at that time.

NOTE: You are also informed that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, City Hall, Tenth Floor, 455 North Main Street, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202

November 23, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, December 8, 1977, at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "ROCK ROAD", for property legally described as follows:

DP-84- The east 485 feet of that part of the east one half of the Northeast Quarter of Section 21, Township 27 South, Range 2 East, lying south of Levitt Industrial Park, and north of Rock Park Addition, Wichita, Sedgwick County, Kansas, except the east 65 feet thereof for Rock Road. Generally located at the southwest corner of Funston and Rock Road.

The Development Plan of this area has been submitted as required under the Community Unit Plan Provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file at the Planning Department Office, 10th Floor, City Hall, 455 North Main Street, Wichita, Kansas, and is available for public inspection and review.

The Development Plan on file proposes a 6.20 acre commercial development with a maximum gross floor area of approximately 121,348 square feet. Included in the Development Plan is information concerning building setbacks, maximum ground coverage by structures, maximum gross floor area, maximum height limitations, number of points of ingress and egress, sign limitations, screening provisions, and proposed general land use on three specific designated parcels.

The hearing of this Development Plan, as provided in Section 28.04.190 of the City Zoning Ordinance of the City of Wichita, is to be held and the same will there be discussed and considered by said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at that time.

NOTE: You are also informed that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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Robert A. Lakin
Secretary

November 10, 1977

Mr. John Gist
Oblinger-Smith Corporation
625 First National Bank Building
Wichita, Kansas 67202

Re: ✓ DP-84 - Rock Road Commercial
C.U.P. - on the west side of
Rock Road, in an area south
of Funston

Z-1989 - Levitt Jewelry Co., Inc.
et al, requests zone change "AA"
to "C", southwest corner of
Funston and Rock Road.

Dear Mr. Gist:

We have reviewed the 6.2 acre Commercial Community Unit Plan proposed for the west side of Rock Road in an area south of Funston. The following comments are a result of that review as well as consultation with other City Departments on the project.

The major problem which I see regarding the Plan are the open ended proposed uses on each parcel. On March 27, 1975, the Metropolitan Area Planning Commission adopted zoning policy recommendations, concurred in by the Board of City Commissioners on April 22, 1975, adjacent to Rock Road which are as follows:

"On the basis of the existing potential for extremely high traffic loads illustrated above, it is recommended that the land use pattern represented on Map C not be exceeded in terms of higher densities, nor higher levels of uses. This will require holding-the-line on additional large scale commercial, office and high density residential zoning. It also means encouraging very low density development on the remaining large unplatted residentially zoned properties. Densities not exceeding 5 dwelling units per acre appear to be appropriate.

Page Two
Mr. John Gist
November 10, 1977

It is also recommended that as development occurs along Rock Road, the traffic loads be continually monitored to determine the actual need for the lane and right-of-way requirements suggested herein".

Because subject property is one of the large unplatted residentially zoned properties, this application would appear to conflict with the adopted zoning policy on Rock Road. As I indicated to you in our earlier conversations, I believe that we could support some limited commercial recreational uses on the site and still comply with the spirit of the existing zoning policy, however, the phrase "all uses permitted in the "LC" Light Commercial and "C" Commercial Districts" and the few exclusions proposed is obviously in conflict with the adopted zoning policy. The "C" Commercial District permits all commercial uses except those specifically excluded so, in essence, the use list which you propose on the plan is open ended. I would urge you to meet with your clients and discuss those uses actually contemplated for the site and so list such uses. It is my feeling that specific uses could be supported, however, the use list proposed at this time cannot be supported by staff.

Another problem is the building setbacks proposed adjacent to Rock Road. The building setback areas in the "C" Commercial District may be used for parking and we attempt to relate those setbacks to acceptable design standards for parking lots. The 60 foot proposed setback with a ten foot planting strip will leave only 50 useable feet of parking area which will permit one circulation aisle, one row of 90 degree parking, and some "dead space". The City standard for two rows of 90 degree parking and one circulation aisle is 64 foot which combined with the 10 foot planting area would require an approximate 75 foot building setback area. Although we are aware that your on site circulation plans may permit parking at other than ninety degrees, or that you may only need one row of ninety degree parking, I would suggest you review your needs and adjust the setback accordingly. This is not a major issue but in our initial review a 75 foot building setback area would be more appropriate.

I also seem to recall a Continental pipeline easement adjacent to Rock Road and since they inspect for leaks by flying over the easement, the pipeline companies object to planting screens

Page Three
Mr. John Gist
November 10, 1977

in the easement. I am not certain as to whether one exists in this area but I wish you would investigate that and so note the easement on the plan if one exists. It may well be that the ten foot planting strip might have to be adjusted accordingly.

Inasmuch as our earlier conversations concerned a combination of commercial and outdoor recreational uses on the site, I am surprised at the 55 foot building height proposed on the plan. Unless you have a specific use in mind which requires a greater height, a maximum building height of 35 feet would be compatible with other recently approved commercial CUP's.

Regarding the statement providing for setbacks between structures, I am not sure if it assures that there will be a 15 or 30 foot separation. Please review that item as 30 feet is required. Another minor point is the depiction of access controls on the plan. Although the text of general provision number two clearly shows that there shall be one access point per parcel, the graphic depiction of the plan merely shows a maximum of three points on the entire frontage. This should be adjusted to depict each parcel having one access point in order that the first parcel user doesn't preempt the use of all three access points and we are faced with future additional access requests.

In addition to the aforementioned comments, the following additions or changes shall be indicated on the plan:

- 1) The access control depiction shall be amended to reflect a maximum of one access point per parcel.
- 2) The 60 foot building setback line adjacent to Rock Road shall be expanded to 75 feet.
- 3) The proposed uses for each parcel shall be listed with each parcel description and an attempt should be made to define the specific uses proposed for each parcel.
- 4) The maximum building height shall be reduced to 35 foot unless a specific use on a specific parcel requires a greater height.
- 5) General provision number 11 shall be added as follows:
"A fire lane, hard surfaced and twenty-four (24) feet minimum in width shall be provided around all main structures. Said fire lane shall be constructed with a

Page Four
Mr. John Gist
November 10, 1977

minimum 3½ inch asphalt base with 1½ inch asphalt surface. No parking shall be allowed in said fire lane, although it may be used for passenger loading and unloading.

Prior to final approval of the parking plan, the Fire Chief, or his designated representative, shall approve the plan as to the location and design of the fire lane(s)."

These are the comments which we have at this time. We have included a "marked copy" of the C.U.P. with the suggested revisions for your review. We have scheduled these cases for consideration by the Planning Commission on December 8, 1977 and it is necessary that we receive 14 revised copies of the Community Unit Plan by Wednesday, November 23, 1977.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:MM:e1
Enclosure

cc: Levitt Jewelry Co., Inc., 7930 E. Harry, 67297
Land Enterprises Co., P.O.Box 18358, 67218
Levitt Development, Inc., P.O.Box 18185, S.E.Station,
67218

THE CITY OF WICHITA

OFFICE OF CITY TRAFFIC ENGINEER

DATE October 28, 1977



TO Jack Galbraith, Chief Planner

FROM Bill McKinley, Assistant Traffic Engineer

SUBJECT Rock Road CUP

We recommend a temporary decel lane into the property until such time as the road is approved, and at that time we recommend a permanent decel lane into the property. With this provision, there could be one opening per lot.

Bill McKinley

Bill McKinley
Assistant Traffic Engineer

BM/ts

cc: R. W. Bruggeman, Director of Public Works

11/9/77 4:00 PM
Talked with Max Green of
Flood Control/Maintenance + he said no
problem with this CUP.

11/10/77 9:00 AM Dean Sellers
said "no comment" on the CUP

5945
31
27
26

APPLICATION FOR COMMUNITY UNIT PLAN
(PLANNED RESIDENTIAL OR COMMERCIAL DEVELOPMENT)
FOR PROPERTY LOCATED WITHIN THE LIMITS OF THE
CITY OF WICHITA, KANSAS

DP-84
(Assoc. Z-1989)

This is an application for a Community Unit Plan - Planned Development. The form must be completed and filed at the Planning Department, Room 402, City Building Annex, 104 South Main, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants and/or their agent or agents.

- * a. Applicant (owner) Levitt Jewelry Co., Inc.
 Address 7930 E. Harry - 67207 Phone 686-6693
 Agent ✓ Oblinger-Smith Corporation
 Address 625 First N/B Bldg. Phone 262-0451
- b. Applicant (contract purchaser) Land Enterprises Company
 Address P.O. Box 18358; Wichita, Ks. 67218 Phone 685-2328
 Agent ✓ Oblinger-Smith Corporation
 Address 625 First N/B Bldg. Phone 262-0451
- * c. Applicant (owner a/k/a) Levitt Development, Inc.
 Address P.O. Box 18185 S.E. Station-67218 Phone 686-6693
 Agent ✓ Oblinger-Smith Corporation
 Address 625 First N/B Bldg. Phone 262-0451

(Use separate sheet if necessary for names of additional applicants)

II.A The applicant hereby requests Community Unit Plan approval on proposed to be property zoned "C" and legally described as Lot(s) _____, Block(s) _____, * (see below) _____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

* THE EAST 485 FEET OF THAT PART OF THE EAST ONE HALF OF THE NORTH-EAST QUARTER OF SECTION 31, TOWNSHIP 27 SOUTH, RANGE 2 EAST, LYING SOUTH OF LEVITT INDUSTRIAL PARK, AND NORTH OF ROCK PARK ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS EXCEPT THE EAST 65 FEET THEREOF FOR ROCK ROAD.

II.B There are 6.2 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) N.A.

The general location is (use appropriate section)

- a. at the Southwest corner of Rock Road
and Funston Street; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

IV. I (we), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (we) realize that this application cannot be processed unless it is completely filled in and accompanied by a current abstractor's certificate as required in the instruction sheet.

<u>Levitt Jewelry Co., Inc.</u>	<u>Land Enterprises Company</u>
By <u>Oblinger-Smith Corporation</u>	By <u>Oblinger-Smith Corporation</u>
Authorized Agent (if any)	Authorized Agent (if any)
By <u>John D. Gist</u>	By <u>John D. Gist</u>
_____	_____
By _____	By _____
Authorized Agent (if any)	Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
3:45 (AM, PM) on October 19, 1977 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of

\$ None - required by ordinance

J. Lynn Shirley Name
J. Planner Title

AA to G
and (C.U.P.)

OWNERSHIP LIST

*This is a duplicate
list of 2-1989*

Lot	Addition	Property Owner
lot 1, Blk A	Rock Park Addition	✓ Woodlawn Christian Church Inc. 1919 South Rock Road 67207
lot 3, Blk 3	Levitt Industrial Park	✓ Harry N. Harrington 5038 Gilbert Court 67218
lots 4 & 5, Block 3	Same	✓ City of Wichita 455 North Main 67202
lot 1, Blk 4	Same	✓ Land Enterprises Inc. P.O. Box 18358 67218
lot 2, Blk 4	Same	Same
lot 3, Blk 4	Same	Same
lot 4, Blk 4	Same	✓ Kansas Federal Credit Union 8404 W. Highway 54 67209
lot 5, Blk 4	Same	✓ Frank R. Solomon Jr. and Jacquelyn Sue Solomon 7810 East Funston 67207
lot 6, Blk 4	Same	✓ Land Enterprises Company P.O. Box 18358 67218
lot 1, Blk 2	Cedar Lakes Village 2nd Add.	✓ Cedar Lakes Inc. 302 N. Main 67202
lot 1, Blk 3	Same	✓ John W. McKay Jr. and Dorothy Lou McKay 7200 N. Oliver 67220
The East Half of the NE¼ of Section 31-27-2E lying South of Levitt Industrial Park and North of Rock Park Addition		✓ Levitt Jewelry Co., Inc. 7930 East Harry 67207

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 500 foot radius of: The East 485 feet of that part of the East Half of the NE $\frac{1}{4}$ of Section 31-27-2E, lying South of Levitt Industrial Park and North of Rock Park Addition, Wichita, Sedgwick County, Kansas, except the East 65 feet thereof for Rock Road

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 17th day of October, 1977 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Stable

Vice President

Order No. 256848
wh

October 19, 1977

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
M.S. Mitchell, Maintenance-Flood Control

Jack H. Galbraith, Chief Planner

✓ DP-84 - ROCK ROAD CUP, generally located on the west side of Rock Road, south of Funston

Attached is a copy of a Commercial CUP for approximately 6 acres of land at the above location. We have also received an application requesting "C" Commercial Zoning and "E" Light Industrial Zoning on property to the west. Please note that they propose one access point per parcel to Rock Road with the provision that they will provide for an accel-decel lane.

Would you please review this CUP and provide any comments you have by Friday, October 28.

Jack H. Galbraith
Chief Planner

JHG:el

Enclosure

*

This DP File
Has a Large Drawing
On 35mm Microfilm.

Roll #1

*